



Attorney Docket: 27010U
Date: January 5, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DIETRICH, et al.

Art Unit: Unknown

Examiner: Unknown

Serial No.: 10/551,943

Filed: October 4, 2005

Title: ORAL PHARMACEUTICAL PREPARATION FOR PROTON PUMP ANTAGONISTS

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:


Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Information Disclosure Statement;
- 2) PTO Form-1449 with 106 cited references;
- 3) Copies of 95 of the 106 cited references.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath, Reg. No. 26,965
Joshua B. Goldberg, Reg. No. 44,126
Sheldon M. McGee, Reg. No. 50,454
Customer No. 34375

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Attorney Docket: 27010U
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Art Unit: Unknown
DIETRICH, et al. Examiner: Unknown
Serial No.: 10/551,943
Filed: October 4, 2005
Title: **ORAL PHARMACEUTICAL PREPARATION FOR PROTON PUMP
ANTAGONISTS**

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. 1.97-1.98. Please note the following particulars: **[NOTE:** One only of items a, b, c, and d must be checked.]

- ☐ a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.
- ☐ b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311.
The enclosed statement is accompanied by ☐ (check one):
- ☐ i. a certification in part (e) below as specified in 37 C.F.R. 1.97(e), or
- ☐ ii. a check in the amount required by 37 C.F.R. 1.17(p).
- ☐ c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. 1.113, or a notice of allowance under 37 C.F.R. 1.311, but before payment of the issue fee.

- ☐ Certification report(e) below; and
- ☐ a check in the amount as required by 1.17(p).

☐ d. The enclosed statement is being filed pursuant to 37 C.F.R. 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b)(i) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,
or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

[XXX] f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

[XXX] g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

[] Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:

and / or

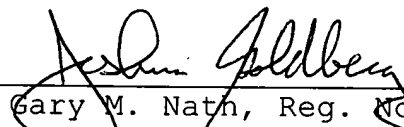
[XXX] Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By:


Gary M. Nath, Reg. No. 26,965
Joshua B. Goldberg, Reg. No. 44,126
Sheldon M. McGee, Reg. No. 50,454
Customer No. 34375

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FORM PTO-1449

INFORMATION DISCLOSURE CITATIONIn re Application of:
DIETRICH, et al.Serial No:
10/551,943Filed:
October 4, 2005Art Unit:
UnknownSerial No:
10/551,943**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Issue / Publication Date	Inventor	Filed
	A1	2002/045646 A1	18 Apr. 2002	Phillips	9 Jul. 2001
	A2	2004/028737 A1	12 Feb. 2004	Deshpande et al.	12 Aug. 2002
	A3	4,464,372	7 Aug. 1984	Bristol et al.	16 Aug. 1982
	A4	4,728,658	1 Mar. 1988	Crossley et al.	3 Sep. 1985

FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Translation
	A5	30 11 490 A1	12 Mar. 1981	DE	Abstract
	A6	36 22 036 A1	22 Jan. 1987	DE	Abstract
	A7	39 17 232 A1	29 Nov. 1990	DE	Abstract
	A8	199 25 710 A1	14 Dec. 2000	DE	Abstract
	A9	0 005 129 B1	31 Oct. 1979	EP	N/A
	A10	0 033 094 B1	05 Aug. 1981	EP	N/A
	A11	0 068 378 B1	05 Jan. 1983	EP	N/A
	A12	0 120 589 B1	03 Oct. 1984	EP	N/A
	A13	0 125 756 A2	21 Nov. 1984	EP	N/A
	A14	0 165 545 A2	27 Dec. 1985	EP	N/A
	A15	0 166 287 B1	02 Jan. 1986	EP	N/A
	A16	0 174 726 B1	19 Mar. 1986	EP	N/A
	A17	0 204 285 A1	10 Dec. 1986	EP	N/A
	A18	0 228 006 A1	08 Jul. 1987	EP	N/A
	A19	0 233 760 B1	26 Aug. 1987	EP	N/A
	A20	0 244 380 B1	04 Nov. 1987	EP	N/A
	A21	0 259 174 A1	09 Mar. 1988	EP	N/A

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	A22	Wurst, W., et al., "Current Status of Acid Pump Antagonists (Reversible PPIs)", <u>Yale Journal of Biology and Medicine</u> , Vol. 69, Pp. 233-243, (1996).
	A23	

Examiner	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 INFORMATION DISCLOSURE CITATION			In re Application of: DIETRICH, et al. Serial No: 10/551,943		Filed: October 4, 2005	Art Unit: Unknown Serial No: 10/551,943
U.S. PATENT DOCUMENTS						
Examiner Initial		Document Number	Issue / Publication Date	Inventor	Filed	
	A24	4,786,505	22 Nov. 1988	Lovgren et al.	20 Apr. 1987	
	A25	4,833,149	23 May 1989	Press	15 Apr. 1988	
	A26	5,041,442	20 Aug. 1991	Romero et al.	31 Jul. 1990	
	A27	5,362,743 A	8 Nov. 1994	Sarges et al.	9 Mar. 1993	
FOREIGN PATENT DOCUMENTS						
		Document Number	Publication Date	Country	Translation	
	A28	0 261 912 A2	30 Mar. 1988	EP	N/A	
	A29	0 264 883 A2	27 Apr. 1988	EP	N/A	
	A30	0 266 326 A1	04 May 1988	EP	N/A	
	A31	0 266 890 A1	11 May 1988	EP	N/A	
	A32	0 268 956 B2	01 Jun. 1988	EP	N/A	
	A33	0 268 989 B1	01 Jun. 1988	EP	N/A	
	A34	0 270 091 B1	08 Jun. 1988	EP	N/A	
	A35	0 307 078 B1	15 Mar. 1989	EP	N/A	
	A36	0 308 917 A2	29 Mar. 1989	EP	N/A	
	A37	0 330 485 A1	30 Aug. 1989	EP	N/A	
	A38	0 368 158 A1	16 May 1990	EP	Abstract	
	A39	0 387 821 B1	19 Sep. 1990	EP	Abstract	
	A40	0 393 926 B1	24 Oct. 1990	EP	N/A	
	A41	0 399 267 A2	28 Nov. 1990	EP	Abstract	
	A42	0 509 974 B1	21 Oct. 1992	EP	N/A	
	A43	0 535 529 B1	07 Apr. 1993	EP	N/A	
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)						
	A44					
	A45					
Examiner				Date Considered		
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U.S. PATENT DOCUMENTS						
Examiner Initial		Document Number	Issue / Publication Date	Inventor	Filed	
	A46	6,197,783 B1	6 Mar. 2001	Senn-Bilfinger et al.	19 Mar. 1998	
	A47	6,299,904 B1	9 Oct. 2001	Shimizu et al.	26 May 1998	
	A48	6,436,953 B1	20 Aug. 2002	Senn-Bilfinger	17 Sept. 1999	
	A49					
FOREIGN PATENT DOCUMENTS						
		Document Number	Publication Date	Country	Translation	
	A50	0 537 532 B1	21 Apr. 1993	EP	N/A	
	A51	0 841 904 B1	20 May 1998	EP	N/A	
	A52	1 222 922 A1	17 Jul. 2002	EP	N/A	
	A53	2-270873 A	5 Nov. 1990	JP	Abstract	
	A54	3-31280 A	12 Feb. 1991	JP	Abstract	
	A55	3-284622 A	16 Dec. 1991	JP	Abstract	
	A56	3-284686 A	16 Dec. 1991	JP	Abstract	
	A57	89/00570 A1	26 Jan. 1989	WO	Abstract	
	A58	91/14677 A1	3 Oct. 1991	WO	Abstract	
	A59	91/17164 A1	14 Nov. 1991	WO	Abstract	
	A60	91/18887 A1	12 Dec. 1991	WO	N/A	
	A61	92/06979 A1	30 Apr. 1992	WO	Abstract	
	A62	92/12969 A1	6 Aug. 1992	WO	N/A	
	A63	93/08190 A1	29 Apr. 1993	WO	Abstract	
	A64	93/12090 A1	24 Jun. 1993	WO	N/A	
	A65	93/15055 A1	5 Aug. 1993	WO	N/A	
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)						
	A66					
	A67					
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	A68				
	A69				
	A70				
	A71				
FOREIGN PATENT DOCUMENTS					
		Document Number	Publication Date	Country	Translation
	A72	93/15056 A1	5 Aug. 1993	WO	N/A
	A73	93/15071 A1	5 August 1993	WO	N/A
	A74	94/14795 A1	7 Jul. 1994	WO	N/A
	A75	94/18199 A1	18 Aug. 1994	WO	Abstract
	A76	94/24130 A1	27 Oct. 1994	WO	Abstract
	A77	94/29274 A1	22 Dec. 1994	WO	N/A
	A78	95/10518 A1	20 Apr. 1995	WO	Abstract
	A79	95/27714 A1	19 Oct. 1995	WO	N/A
	A80	96/03405 A1	8 Feb. 1996	WO	Abstract
	A81	96/04251 A1	15 Feb. 1996	WO	Abstract
	A82	96/05177 A1	22 Feb. 1996	WO	N/A
	A83	97/03074 A1	30 Jan. 1997	WO	N/A
	A84	97/03076 A1	30 Jan. 1997	WO	N/A
	A85	97/47603 A1	18 Dec. 1997	WO	N/A
	A86	98/37080 A1	27 Aug. 1998	WO	N/A
	A87	98/42707 A1	1 Oct. 1998	WO	N/A
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)					
	A88				
	A89				
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U.S. PATENT DOCUMENTS						
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	A90					
	A91					
	A92					
	A93					
FOREIGN PATENT DOCUMENTS						
		Document Number	Publication Date	Country	Translation	
	A94	98/43968 A1	8 Oct. 1998	WO	N/A	
	A95	98/50019 A1	12 Nov. 1998	WO	N/A	
	A96	98/54188 A1	3 Dec. 1998	WO	N/A	
	A97	99/09029 A1	25 Feb. 1999	WO	N/A	
	A98	99/28322 A1	10 Jun. 1999	WO	N/A	
	A99	99/50237 A1	7 Oct. 1999	WO	Abstract	
	A100	99/51584 A1	14 Oct. 1999	WO	N/A	
	A101	99/55705 A1	4 Nov. 1999	WO	N/A	
	A102	99/55706 A1	4 Nov. 1999	WO	N/A	
	A103	00/01696 A1	13 Jan. 2000	WO	N/A	
	A104	00/10999 A2	2 Mar. 2000	WO	N/A	
	A105	00/11000 A2	2 Mar. 2000	WO	N/A	
	A106	00/17200 A1	30 Mar. 2000	WO	N/A	
	A107	00/26217 A1	11 May 2000	WO	N/A	
	A108	00/29403 A1	25 May 2000	WO	N/A	
	A109	00/63211 A1	26 Oct. 2000	WO	N/A	
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)						
	A110					
	A111					
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U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue / Publication Date	Inventor	Filed
	A112			
	A113			
	A114			
	A115			

FOREIGN PATENT DOCUMENTS

		Document Number	Publication Date	Country	Translation
	A116	00/74654 A1	14 Dec. 2000	WO	N/A
	A117	00/77003 A1	21 Dec. 2000	WO	Abstract
	A118	00/78254 A1	28 Dec. 2000	WO	N/A
	A119	01/58901 A1	16 Aug. 2001	WO	Abstract
	A120	01/72754 A1	4 Oct. 2001	WO	N/A
	A121	01/72755 A1	4 Oct. 2001	WO	N/A
	A122	01/72756 A1	4 Oct. 2001	WO	N/A
	A123	01/72757 A1	4 Oct. 2001	WO	N/A
	A124	02/34749 A1	2 May 2002	WO	N/A
	A125	02/45693 A1	13 Jun. 2002	WO	N/A
	A126	02/060440 A1	8 Aug. 2002	WO	N/A
	A127	02/060441 A1	8 Aug. 2002	WO	N/A
	A128	02/060442 A1	8 Aug. 2002	WO	N/A
	A129				
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	A131				
	A132				

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	A133	
	A134	

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